

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

ORDER

Pursuant to court order this matter came on for status conference on May 19, 2006 to schedule this matter for resolution of outstanding issues regarding final approval of the Revised Program Guide. Michael Bien, Esq. and Jane Kahn, Esq., appeared as counsel for plaintiffs. Lisa Tillman, Deputy Attorney General, appeared as counsel for defendants.

By order filed March 3, 2006, this court approved the undisputed provisions of the January 2006 Revised Program Guide and ordered defendants to immediately implement all such provisions. In their status report, plaintiffs represented that staffing augmentation proposals for fiscal year 2006-7 submitted by defendants to the Department of Finance in response to that order had been rejected. At the time of the status conference, counsel for defendants represented that additional information had been provided to the special master that morning and would be made available to plaintiffs after the status conference. Good cause appearing, the special master will

1 be directed to report to the court on the status and sufficiency of defendants' budget requests for
2 staffing augmentation.

3 After hearing, and good cause appearing, IT IS HEREBY ORDERED that:

4 1. This matter is set for a discovery conference pursuant to Rule 26(f) before the
5 Honorable John F. Moulds on June 13, 2006 at 11:00 a.m. The parties shall file discovery
6 conference statements not later than June 2, 2006.

7 2. The parties are granted an additional period of time in which to negotiate concerning
8 disputed issues relative to those portions of the Revised Program Guide that have not yet been
9 finally approved by the court.

10 3. At such time as any party determines that a disputed issue is ripe for resolution by the
11 court, said party shall file a formal objection raising the issue. As appropriate, the party shall
12 designate with the objection an expert witness to provide evidence relevant to resolution of the
13 objections. The special master and the opposing party are granted a period of fifteen days after
14 the filing of a formal objection to designate, as appropriate, one expert witness each. Whether
15 the parties shall conduct depositions of any experts so designated and, if so, the schedule for
16 conducting such depositions, shall be addressed at the discovery conference set in paragraph 1 of
17 this order. At the same time, the parties shall also address the schedule for filing a request for
18 hearing on any objection filed by the parties pursuant to the provisions of this order.

19 4. Plaintiffs are granted fifteen days from the date of this order to file and serve a
20 response to Stephen Mayberg's May 17, 2006 response to the court's order to show cause.
21 Defendants are granted ten days thereafter to file a reply to plaintiffs' response.

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1 5. Within seven days from the date of this order the special master shall report to the
2 court on the status and sufficiency of defendants' budget requests for staffing augmentation
3 necessary to implement the court-approved provisions of the January 2006 Revised Program
4 Guide.

5 DATED: May 24, 2006.

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7 LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT